



JC03 Re

CT/PTO

07 MAR 2001

09/720382

RGT
\$

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Box Missing Parts, Commissioner for Patents, Washington, D.C. on March 5, 2001.

Name: C. Fong Signature: *C. Fong*

#3, #4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Reynolds ROSS, et al.

Group Art Unit: Unassigned

Application Serial No. 09/720,382 (PCT/IE99/00058)

Examiner: Unassigned

Filed: December 21, 2000 (June 22, 1999)

Attorney's Docket No: 135334200200

For: **A SPRAY-DRIED BACTERIOCIN
POWDER WITH ANTI-MICROBIAL
ACTIVITY**

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Box Missing Parts

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This paper is submitted in response to the Notification of Missing Requirements issued by the U.S. Patent and Trademark Office on January 17, 2001 in connection with the above-identified application. A response to this Notification was originally due on February 17, 2001.

Applicant submits herewith the following documents:

- 1. Declaration signed by the inventor(s) and the surcharge of \$130.00.
- 2. Petition for Extension of Time Fee under 37 C.F.R. §1,17(a)
- 3. Copy of Notice; and check for \$240.00

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our **Deposit Account No. 50-0974** referencing docket number **135334200200**. A duplicate copy of this Petition is enclosed.

03/14/2001 UEDUVIJE 00000007 09720382

01 FC:154

130.00 OP

Respectfully submitted,

Date: March 5, 2001

By: *Antoinette F. Konski*

Antoinette F. Konski (Reg. No. 34,202)

Baker & McKenzie

660 Hansen Way

Palo Alto, California 94304

Telephone: (650) 856-2400

159325.1

198930v1



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/720382	ROSS	R 681353342002

BAKER & MCKENZIE
660 HANSEN WAY
PALO ALTO, CA 94304

INTERNATIONAL APPLICATION NO.

PCT/IE99/00058

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

22 JUN 99

22 JUN 98

DATE MAILED: 17 JAN 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

☐ a Designated Office (37 CFR 1.494),

☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation

Winston M. Alvarado /